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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MICHELLE HODSON,

Plaintiff,

vs.

Civil No.

COMPLAINT

K MART CORPORATION,
KELLERMEYER BUILDING SERVICES, LLC.,
SERV CORP. INTERNATIONAL, and
ARMANDO ROJAS dba NAVI CLEANING
INTERNATIONAL,

Defendants.

Fair Labor Standards Act (29 U.S.C. §§ 201, et seq.), Oregon Wage Laws, Oregon
Common Law, Oregon Contract Law

DEMAND FOR JURY TRIAL

JURISDICTION

1. This Court has jurisdiction over the subject matter of this action pursuant to 29 U.S.C. § 216(b) (Fair Labor Standards Act); and 28 U.S.C § 1337, as it arises under acts of Congress regulating commerce.
2. This Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1337 over the claims based on Oregon law, as they are so related to claims within the Court's original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution.

PARTIES

3. Plaintiff, a former employee of defendants, performed cleaning services at the facility of defendant K Mart Corporation in Ontario, Malheur County, Oregon.
4. Defendant K Mart Corporation (“Kmart”) is a corporation organized under the laws of Michigan engaged in interstate commerce.
5. Defendant Kellermeyer Building Services LLC is a company organized under the laws of Delaware engaged in interstate commerce.
6. Defendant ServCorp International (“ServCorp”) is a corporation organized under the laws of Utah engaged in interstate commerce.
7. Defendant Armando Rojas is an individual doing business as Navi Cleaning International engaged in interstate commerce.

FACTS

8. Defendants jointly employed plaintiff at the Kmart store located in Ontario, Oregon during March 2006 to perform cleaning services.
9. In March 2006, defendants offered plaintiff \$700 a month to perform cleaning services at the Kmart store in Ontario, Oregon.
10. In March 2006, plaintiff accepted defendants’ offer.
11. In March 2006, plaintiff performed cleaning services pursuant to the agreement.
12. During the course of plaintiff’s employment, each day she worked a Kmart manager locked her inside the store from 9 pm until 6 am the following day.
13. On at least two occasions, plaintiff was confined in the store without a Kmart manager who may have been empowered to allow her to exit.
14. Plaintiff was not aware of any means of exiting the store without the assistance of a

Kmart manager.

15. During the course of her employment, plaintiff worked in excess of forty (40) hours in at least one work week.

16. In at least one work week, defendants failed to pay plaintiff the federally mandated minimum wage.

17. In at least one pay period, defendants failed to pay plaintiff the state mandated minimum wage.

18. In at least one work week, defendants failed to pay plaintiff time and a half for all hours worked over forty hours in a week.

19. On or about March 25, 2006 plaintiff terminated her employment with defendants.

20. On or about April 10, 2006 plaintiff received a paycheck for an amount less than the full amount due and owing.

21. In June and October 2006 plaintiff, through her attorney, made written requests to defendants to be paid her due and unpaid wages.

22. Defendants failed to pay plaintiff all wages earned upon termination of employment.

CLAIMS FOR RELIEF

First Claim - Fair Labor Standards Act

23. Defendants violated 29 U.S.C. § 206(a)(1) by failing to pay plaintiff the hourly minimum wage.

Second Claim - Fair Labor Standards Act

24. Defendants violated 29 U.S.C. § 207(a)(1) by failing to pay plaintiff one and one-half times the regular wage rate for hours worked in excess of forty (40) hours per week.

Third Claim - Oregon Minimum Wage Law

25. Defendants violated ORS 653.025 by failing to pay plaintiff the Oregon minimum wage.

Fourth Claim - Oregon Weekly Overtime

26. Defendants violated ORS 653.261 by failing to pay plaintiff one and one-half times the regular wage rate for hours worked in excess of forty hours in a work week.

Fifth Claim - Failure to Pay Wages on Termination of Employment

27. Defendant violated ORS 652.140 by failing to pay plaintiff unpaid wages when due upon termination of her employment.

Sixth Claim - False Imprisonment

28. Defendants unlawfully imprisoned plaintiff by confining her within the store while she was unaware of any reasonable means of exit.

29. Defendants have acted with malice or have shown a reckless and outrageous indifference to a highly unreasonable risk of harm and have acted with a conscious indifference to the health, safety and welfare of plaintiff.

Seventh Claim - Breach of Contract

30. In breach of contract, defendants failed to pay plaintiff \$700 for her cleaning services.

PRAAYER FOR RELIEF

WHEREFORE, plaintiff respectfully requests that the Court grant her the following relief:

1. On her first claim, her unpaid minimum wages and an additional equal amount in liquidated damages pursuant to FLSA;
2. On her second claim, her unpaid overtime wages and an additional equal amount in

liquidated damages pursuant to FLSA;

3. On her third claim, her unpaid minimum hourly wages, plus statutory damages pursuant to ORS 652.150;
4. On her fourth claim, her unpaid weekly overtime wages, plus statutory damages pursuant to ORS 652.150;
5. On her fifth claim, statutory damages pursuant to ORS 652.150;
6. On her sixth claim, an amount to be proved at trial, plus punitive damages;
7. On her seventh claim, her contract damages;
8. Pre-judgment and post-judgment interest;
9. Her costs and attorney fees; and
10. Such other and further relief as this Court deems just and proper.

DATED this _____ day of June, 2007.

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